

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 99, As Amended

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2007, IDAHO CODE, TO PROVIDE FOR AN ELECTION; AND AMENDING SECTION 50-2012, IDAHO CODE, TO PROVIDE FOR AN ELECTION AND TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF CERTAIN BONDS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2007, Idaho Code, be, and the same is hereby amended to read as follows:

50-2007. POWERS. Every urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, off-street parking facilities, public facilities, other buildings or public improvements; and any improvements necessary or incidental to a redevelopment project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain, upon sufficient cause and after a hearing on the matter, an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, renovate, rehabilitate, clear or prepare for redevelopment any such property or buildings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or per-

1 sonal property or operations of the municipality against any risks or haz-
2 ards, including the power to pay premiums on any such insurance; and to enter
3 into any contracts necessary to effectuate the purposes of this act: Pro-
4 vided, however, that no statutory provision with respect to the acquisition,
5 clearance or disposition of property by public bodies shall restrict a mu-
6 nicipality or other public body exercising powers hereunder in the exercise
7 of such functions with respect to an urban renewal project and related activ-
8 ities, unless the legislature shall specifically so state;

9 (d) with the approval of the local governing body, (1) prior to approval
10 of an urban renewal plan, or approval of any modifications of the plan, to ac-
11 quire real property in an urban renewal area, demolish and remove any struc-
12 tures on the property, and pay all costs related to the acquisition, demoli-
13 tion, or removal, including any administrative or relocation expenses; and
14 (2) to assume the responsibility to bear any loss that may arise as the result
15 of the exercise of authority under this subsection in the event that the real
16 property is not made part of the urban renewal project;

17 (e) to invest any urban renewal funds held in reserves or sinking funds
18 or any such funds not required for immediate disbursement, in property
19 or securities in which savings banks may legally invest funds subject to
20 their control; to redeem such bonds as have been issued pursuant to section
21 50-2012, Idaho Code, at the redemption price established therein or to pur-
22 chase such bonds at less than redemption price, all such bonds so redeemed or
23 purchased to be canceled;

24 (f) to borrow money and to apply for and accept advances, loans, grants,
25 contributions and any other form of financial assistance from the federal
26 government, the state, county, or other public body, or from any sources,
27 public or private, for the purposes of this act, and to give such security
28 as may be required and to enter into and carry out contracts or agreements
29 in connection therewith; and to include in any contract for financial as-
30 sistance with the federal government for or with respect to an urban renewal
31 project and related activities such conditions imposed pursuant to federal
32 laws as the municipality may deem reasonable and appropriate and which are
33 not inconsistent with the purposes of this act. No debt may be incurred pur-
34 suant to this act which obligates county property taxpayers for payment, in-
35 cluding bonds or other liabilities or obligations lasting more than one (1)
36 fiscal year, without the assent of two-thirds (2/3) of the qualified elec-
37 tors voting at a countywide election for the purpose of approving or disap-
38 proving such proposed bonds, liabilities or obligations, provided however,
39 that an election shall not be required for ordinary and necessary expenses
40 for the administration of the urban renewal agency;

41 (g) within its area of operation, to make or have made all surveys and
42 plans necessary to the carrying out of the purposes of this act and to con-
43 tract with any person, public or private, in making and carrying out such
44 plans and to adopt or approve, modify and amend such plans, which plans may
45 include, but are not limited to: (1) plans for carrying out a program of vol-
46 untary compulsory repair and rehabilitation of buildings and improvements,
47 (2) plans for the enforcement of state and local laws, codes and regulations
48 relating to the use of land and the use and occupancy of buildings and im-
49 provements and to the compulsory repair, rehabilitation, demolition, or
50 removal of buildings and improvements, and (3) appraisals, title searches,

1 surveys, studies, and other plans and work necessary to prepare for the un-
 2 dertaking of urban renewal projects and related activities; and to develop,
 3 test, and report methods and techniques, and carry out demonstrations and
 4 other activities, for the prevention and the elimination of slums and urban
 5 blight and developing and demonstrating new or improved means of providing
 6 housing for families and persons of low income and to apply for, accept and
 7 utilize grants of funds from the federal government for such purposes;

8 (h) to prepare plans for and assist in the relocation of persons (in-
 9 cluding individuals, families, business concerns, nonprofit organizations
 10 and others) displaced from an urban renewal area, and notwithstanding any
 11 statute of this state to make relocation payments to or with respect to such
 12 persons for which reimbursement or compensation is not otherwise made, in-
 13 cluding the making of such payments financed by the federal government;

14 (i) to exercise all or any part or combination of powers herein granted;

15 (j) in addition to its powers under subsection (b) of this section,
 16 an agency may construct foundations, platforms, and other like structural
 17 forms necessary for the provision or utilization of air rights sites for
 18 buildings and to be used for residential, commercial, industrial, and other
 19 uses contemplated by the urban renewal plan, and to provide utilities to the
 20 development site; and

21 (k) to lend or invest funds obtained from the federal government for the
 22 purposes of this act if allowable under federal laws or regulations.

23 SECTION 2. That Section 50-2012, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 50-2012. ISSUANCE OF BONDS. (a) An urban renewal agency shall have
 26 power to issue bonds from time to time in its discretion to finance the un-
 27 dertaking of any urban renewal project under this act, including, without
 28 limiting the generality thereof, the payment of principal and interest upon
 29 any advances for surveys and plans or preliminary loans, and shall also have
 30 power to issue refunding bonds for the payment or retirement of such bonds
 31 previously issued by it. Such bonds shall be made payable, as to both princi-
 32 pal and interest, solely from the income, proceeds, revenues, and funds of
 33 the urban renewal agency derived from or held in connection with its under-
 34 taking and carrying out of urban renewal projects under this act: Provided,
 35 however, that payment of such bonds, both as to principal and interest, may
 36 be further secured by a pledge of any loan, grant or contribution from the
 37 federal government or other source, in aid of any urban renewal projects
 38 under this act, and by a mortgage of any such urban renewal projects, or any
 39 part thereof, title to which is in the urban renewal agency.

40 (b) Bonds issued under this section shall not constitute an indebted-
 41 ness within the meaning of any constitutional or statutory debt limitation
 42 or restriction, and shall not be subject to the provisions of any other law
 43 or charter relating to the authorization, issuance or sale of bonds. Bonds
 44 and other obligations of an urban renewal agency, ~~and such bonds and obli-~~
 45 ~~gations shall so state on their face,~~ shall not be a debt of the munici-
 46 pality, the state or any political subdivision thereof, and neither the mu-
 47 nicipality, the state nor any political subdivision thereof shall be liable
 48 thereon, nor in any event shall such bonds or obligations be payable out of
 49 any funds other than those of said urban renewal agency. Bonds issued un-

der the provisions of this act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes. No bonds shall be issued nor other similar obligations incurred as provided for in this section if obligating county property taxpayers for payment, without the assent of two-thirds (2/3) of the qualified electors voting at a countywide election for the purpose of approving or disapproving such proposed bonds or obligations.

(c) In addition to the voting requirements provided for in subsection (b), ~~b~~Bonds issued under this section shall be authorized by resolution or ordinance of the urban renewal agency and may be issued in one (1) or more series and shall bear such date or dates, be payable upon demand or mature at such time, or times, bear interest at a rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of repayment, at such place or places, and be subject to such terms of redemption, ~~with or without premium~~, be secured in such manner, and have such other characteristics, as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public or private sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publication as the agency may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount on such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the agency of not to exceed the interest cost to the agency of the portion of the bonds sold to the federal government.

(e) In case any of the officials of the urban renewal agency whose signatures appear on any bonds or coupons issued under this act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this act or the security therefor, any such bond reciting in substance that it has been issued by the agency in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this act.